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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,624	01/20/2004	Fathy Yassa		1731
7590		01/17/2007		
Fathy Yassa 4439 Esta Lane Soquel, CA 95073				
			EXAMINER	
			IDOWU, OLUGBENGA O	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,624

Applicant(s)

YASSA, FATHY

Examiner

Olugbenga O. Idowu

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2621

DETAILED ACTION

1. This office action is in response to application number: 10/776, 624, filed on 1/20/2004. Claims 1 - 10 are pending and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomsen, publication number: US 2002/0147984 A1.

As per **claim 1**, Tomsen teaches: A method of co-casting personalized content via an analog or digital television signal (The television 104 may be embodied as a standard, analog television. Alternatively, the television 104 may be equipped to display a digital video stream.[0049, lines 2 - 4) to a viewer based upon the viewer's preferences comprising the steps of determining the user's viewing preferences (the user preferences 614 may indicate , for instance, the types of supplemental content 406 that the user wishes to receive, [0085], lines 2 – 4, the user preferences may also be based on historically observed behavior of the user, [0086], lines 1 - 2), reading portion of the non-viewable television signal (The indication 610 may be obtained, for

Art Unit: 2621

example, from data encoded within the vertical blanking interval(VBI) of the television broadcast, [0083], lines 3 - 5); and transmitting the appropriate co-cast content to the user (For example, the STB 102 may note that the user only views supplemental content 406 related to actors and actresses and updates the user preferences 614 accordingly. Thus, in one embodiment, the search results 504 returned by the content source 114 may only include items of supplemental content 406 related to actors and actresses.[0086]).

As per **claim 2**, Tomsen teaches: The step of claim 1 where the user's viewing preferences are programmed into a computer and sent to the user's set top box (after which the STB 102, itself, performs filtering based upon stored user preferences 614, [0095], lines 3 - 5).

As per **claim 3**, Tomsen teaches: The step of claim 2 where the set top box determines the user's preferences by collating the index data from the television signal (In one implementation, the information request 502 contains an indication 610 of the specific television program being viewed. The indication 610 may be obtained, for example, from data encoded within the vertical blanking interval (VBI) of the television broadcast. [0083], the STB generates the information request [0072] lines 4 – 5, and it is assumed that the viewer likes the channel being watched).

Art Unit: 2621

As per **claim 4**, Tomsen teaches: The step of claim 3 where the data collation occurs in the set top box (the STB 102 generates an information request 502,[0072], lines 4 – 5, In one implementation, the information request 502 contains an indication 610 of the specific television program being viewed. The indication 610 may be obtained, for example, from data encoded within the vertical blanking interval (VBI) of the television broadcast. [0083]).

As per **claim 5**, Tomsen teaches: The step of claim 3 where the set top box transmits the index data for collation by an external computer server (in one implementation, the content source 114 includes a search engine 702 which receives the contextual information 604 and the user preferences 614 from the information request 502, [0087], lines 2 - 6).

As per **claim 6**, Tomsen teaches: The step of claim 3, where the content provider inserts personalized content into the television signal (in response to the selection indicator 902, the content source 114 sends the supplemental content 406 to the STB 102 for display on the television, [0099], lines 6 - 8).

As per **claim 7**, Tomsen teaches: The step of claim 3, where the content provider sends personalized content to the set top box via the internet (in one embodiment, the set of search results 504 is a list of specific items of supplemental content 406 related to the television program being viewed. The list may include one or more links, such as

Art Unit: 2621

URLs identifying the stored location of the supplemental content 406, [0047], lines 6 - 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Bisdikian, publication number: US 2004/0117857 A1.

As per **claim 8**, Tomsen teaches an information transfer system that sends content to a user based on user preferences. Tomsen does not teach the system sending content to a wireless device or receiving contents during a commercial break.

In a relevant field of endeavor Biskikdian teaches a system that sends personalized content to a user. Biskidian also teaches: where the set top box transmits content to a

Art Unit: 2621

wireless device (the set-top box may be connected to the cellular phone with a wire, e.g. a serial cable, or wirelessly, [0027], lines 23 - 25), the additional information is then sent by a link (from set top box 303) 402 and displayed on the PDA [0028], lines 4- 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a wireless device in the system of Tomsen for the advantages of reduced distraction while watching TV because additional information and other transactions are sent to the cellular phone ([0027], lines 26 – 29)

As per **claim 9**, Tomsen teaches an information transfer system that sends content to a user based on user preferences. Tomsen does not teach the system sending content to a wireless device.

In a relevant field of endeavor Biskikdian teaches a system that sends personalized content to a user. Biskidian also teaches: where the set top box e-mails content to any web-enabled device (the additional information is then sent by a link (from set top box 303) 402 and displayed on the PDA [0028], lines 4- 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a wireless device in the system of Tomsen for the advantages of reduced distraction while watching TV because additional information and other transactions are sent to the cellular phone ([0027], lines 26 – 29)

Art Unit: 2621

As per **claim 10**, Tomsen teaches an information transfer system that sends content to a user based on user preferences. Tomsen does not teach the system wherein the content is sent during a commercial break. In a relevant field of endeavor Biskikdian teaches a system that sends personalized content to a user. Biskidian also teaches: where the set top box transmits content to the television set during the commercial breaks, in lieu of the commercial (e-commerce service provider A, e.g., an on-line apparel store, supplies to the digital content provider C information that describes its merchandise, and in particular merchandise B. The content provider C aggregates any content that it has received, and it passes the aggregate content to the broadcast content service D 1202. The broadcast data service D then broadcasts the content to its subscribers 1203. The set-top box for subscriber E receives the data broadcast from the broadcast content provider D 1204. The set-top box demultiplexes the received data transmission and avails the constituent data streams to any end-user devices capable of receiving them 1205,[0040]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display available supplemental content to the user during commercial breaks for the advantages of reduced distraction and reduced clutter while watching programs.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edourd can be reached on 571 272 7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I.



PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER